

RELEASE FROM CUSTODY

46.01: *Security.* Unless a personal recognizance or an unsecured bond is authorized for a defendant or a material witness, every bond or undertaking shall be secured by either cash, negotiable United States Government securities, trust receipts issued in favor of the United States by the Trust Department of a national bank or a state bank which is a member of the Federal Reserve System, or one or more approved sureties (not exceeding three for any defendant unless the Court approves a higher number).

46.02: *Corporate Surety.* Only a corporate surety in good standing with the United States Treasury Department and which has designated a resident agent in the District of South Carolina as required by statute is acceptable as a surety on a bond for a defendant (or a material witness). If any corporate surety fails to pay a forfeiture on a bond ordered by the Court, upon proper notice to that surety and opportunity for it to be heard as to why it has failed to pay a forfeiture decreed, the Court may order the Clerk to strike its name from the list of approved corporate sureties eligible to execute bonds to be performed in the District of South Carolina, and to notify the Secretary of Treasury of such action.

46.03: *Disclosure of Interest.* In every corporate surety bond proffered for filing in a criminal case in the District of South Carolina, the Court requires the attorney-in-fact who executes the bond on behalf of the corporate surety to disclose under oath the identity of the premium payor; for any bond (or combination of bonds) which exceed(s) fifty thousand dollars (\$50,000) in amount for any one defendant (or material witness), whether the surety is a corporate surety or an individual, the attorney-in-fact or individual surety must disclose the details of any collateral pledged to the surety to induce it (or him or her) to issue the bond and the details of any agreement to indemnify the surety should it (or he or she) be ordered to pay any forfeiture of the bond.

46.04: *Use of Real Property as Security.* Whenever an individual presents himself or herself as a surety to be justified on the basis of real property he or she owns, such individual must demonstrate by satisfactory evidence that the unencumbered equity that he or she has in such property is sufficient in amount to secure his or her undertaking on the bond, and such individual must agree to place a lien on the real property if he or she seeks to justify on a bond of more than twenty-five thousand dollars (\$25,000). The Court may require independent appraisal evidence of value in the discretion of the judicial officer before whom the surety seeks to justify. In no event will an individual who seeks to justify exclusively on the basis of equity in real property be approved as a surety for an amount in excess of seventy-five percent (75%) of his or her equity.

46.05: *Use of Personal Property as Security.* The Court will not accept a pledge of personal property other than as provided in Local Criminal Rule 46.01 above.

46.06: *Prohibited Sureties.* Bail bondsmen who are authorized to write bonds in the courts of South Carolina are not by such authorization eligible to serve as sureties in this Court,

and no such bondsman (or local corporation) will be approved as a surety unless he (or she or it) meets the standards required of any other corporate or individual surety as specified by federal statutes, Rule 46 of the Fed.R.Crim.P., and these Rules. Members of the Bar and their spouses, officers and employees of this Court and officers and employees of the United States Marshal's Service are prohibited from acting as a surety unless the Court, by a special order that is filed as a public record, creates an exception based on the financial need of a particular defendant or material witness.